

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING DECEMBER 3, 2004

Prepared on September 21, 2004

ITEM: XX

**SUBJECT: ADOPTING THE DAIRY CREEK TOTAL MAXIMUM DAILY LOAD FOR
DISSOLVED OXYGEN AND IMPLEMENTATION PLAN**

BACKGROUND

Dairy Creek was included on California's section 303(d) list of impaired waters for dissolved oxygen. Section 303(d) requires the Regional Board to adopt a Total Maximum Daily Load (TMDL) for listed waterbodies. The solution to the impairment being addressed by the TMDL is being implemented by a non-regulatory agency, the County of San Luis Obispo, and the solution will correct the impairment. The Natural Resources Conservation Service, in partnership with the County of San Luis Obispo, and land managers voluntarily implemented Management Practices in 1994 and 1995. Rangeland Management Practices implemented at Dairy Creek included cattle exclusionary fencing with water gaps and riparian revegetation. Improvements to approximately one mile of Dairy Creek were completed during the summer of 1994, with an additional half-mile of the creek fenced during the summer of 1995.

As such, staff recommends approval of a resolution to adopt a TMDL and implementation plan that consists of existing efforts to improve dissolved oxygen in Dairy Creek.

PUBLIC INVOLVEMENT

Regional Board Staff has conducted TMDL outreach by coordinating the TMDL with agencies and individuals in the Dairy Creek watershed. In addition, public review and comment through this board hearing process provides another formal opportunity for public input for adoption of this TMDL. Notice of public hearing was given by notifying newspapers of general circulation within the Region and by mailing a copy of the notice to all persons requesting such notice and affected government agencies.

The Final Project Report for this proposed Board action is available at the Region 3 website at <http://www.swrcb.ca.gov/rwqcb3/TMDL/PublicCommentParticipation.htm>. Staff did not include the entire document in the staff report in order to save paper. Paper copies are available upon request.

**CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

This Board resolution finds that an existing project makes any further regulatory action (i.e., any "project") unnecessary. Therefore, this action is not a "project" that requires compliance with the California Environmental Quality Act (California Public Resources Code §21000 et seq.). The Regional Board is not directly undertaking an activity, funding an activity or issuing a permit or other entitlement for use (Public Resources Code section 21065; 14 Cal. Code of Regs. §15378). The Regional Board is not approving any activity; it is merely finding that an ongoing activity also satisfies other legislative requirements.

ANTI-DEGRADATION

This resolution does not allow degradation or lower water quality, and does not approve an activity that produces or may produce a waste or increased volume or concentration of waste or an activity that discharges or proposes to discharge to existing high quality waters. This resolution therefore complies with Resolution 68-16 and 40 CFR §131.12.

COMMENTS

Notice of this item being proposed to the Regional Board was distributed to a list of interested parties and agencies that have indicated interest in the Dairy Creek area.

Written comments (via mail, e-mail, and fax) concerning the proposed TMDL for Dissolved Oxygen in Dairy Creek received prior to the Regional Board meeting will be considered prior to Board approval.

RECOMMENDATION

Adopt Resolution R3-2004-0166 approving the TMDL for Dissolved Oxygen in Dairy Creek, finding the existing activities of the County will achieve the TMDL.

ATTACHMENTS:

- A. Resolution R3-2004-0166
- B. Final Project Report - available at the Region Three website at
<http://www.swrcb.ca.gov/rwqcb3/TMDL/PublicCommentParticipation.htm>

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